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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

WADDINGTON

Atty. Ref.: 36-1489

Serial No. 09/913,463

TC/A.U.: 2195

Filed: August 15, 2001

Examiner: K. Tang

For: RESOURCE SCHEDULING

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March 8, 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REQUEST FOR RECONSIDERATION  
OF REFUSAL TO ENTER PROFFERED  
AMENDMENT AFTER FINAL**

The Advisory Action mailed 02/23/2006 refuses to enter applicant's proffered amendment of January 19, 2006 because applicant has amended the pending method claims to remove apparatus limitations therefrom. However, this is precisely what was required by the Examiner's outstanding formality-based rejection under 35 U.S.C. §101 and/or 35 U.S.C. §112 where it is alleged that the applicant improperly had mixed "process" and "machine" claim recitations.

Since these formality-based grounds of rejection/objection were made for the first time in the "final" Office Action dated 07/19/2005, applicant had no earlier opportunity to respond to such grounds of rejection. Accordingly, entry of the proffered amendment under 37 C.F.R. §1.116 is believed to be appropriate, proper and in accordance with

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standing USPTO practice. Reconsideration and entry of the proffered amendment is respectfully requested.

Respectfully submitted,

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